

14 December 2000

Tom McCarthy  
National Labor Relations Board  
1099 14th Street NW, Suite 5530  
Washington, DC 20570

Dear Tom:

It was good meeting with you on 11 December 2000.

As you may recall, in response to your interest, I promised to send you more information about the Maryland Department of Labor hearing. That hearing was prompted by the fact that I claimed unemployment benefits despite being fired for cause. Enclosed are some of my notes from the hearing.

I'm looking forward to meeting with you again, at 12:30 pm on Wednesday 20 December 2000.

Best wishes,

A handwritten signature in cursive script that reads "Jeff Schmidt". The signature is written in dark ink and is positioned below the "Best wishes," line.

## MARYLAND DEPARTMENT OF LABOR HEARING

*Notes from the first part of the hearing — the interview of Jeff Schmidt by examiner Tasha Owens of the department's office of unemployment insurance (College Park office, 301-313-8000), 16 June 2000, 7:59 am to 8:27 am, by telephone.*

Jeff Schmidt: Do you have any information from the employer?

Tasha Owens: I sure do.

Schmidt: Did they submit it in writing?

Owens: Yes, they did.

Schmidt: Can you tell me what the statement is?

Owens: This is the information your employer gave me. It was a very brief statement. They indicated, "The employee admittedly used company time to work on a personal project over an extended period of time." And that's it.

Now, what was the reason given to you for being discharged?

Schmidt: They gave essentially the reason that you read there.

Owens: That you were using company time to work on a personal project?

Schmidt: Right.

Owens: Do you agree with this reason?

Schmidt: No, I don't.

Owens: Any verbal, written warnings in relation to the reason you were discharged?

Schmidt: No.

Owens: Did you protest your discharge?

Schmidt: Definitely. I told them that it's unacceptable. And then later I let them know that I wanted my job back.

Owens: When they found out that you had written this book, on May 22nd, they questioned you about it that day?

Schmidt: They never questioned me about it.

Owens: They found out you wrote the book — and, what, they commented, you know, “Oh, we found out that you wrote a book”?

Schmidt: No, they never commented on the book — until they said that I was fired because of the book.

...

Owens: You said they told you that they found out that you had written a book. Did they have reason to believe that it was during company time?

Schmidt: They didn’t have good reason to believe that. What they had was a statement in the book itself.

Owens: Ok. From this statement alone, they said that you had been doing...

Schmidt: Exactly.

Owens: ...Ok.

Schmidt: I told them that it wasn’t true. But they wouldn’t listen. They said, “We are not here to answer questions.” They wouldn’t discuss anything at all with me....

I was ahead in my work by the standard that they set. They had said that I should do a certain amount of work in a year. And at the time they fired me I had just finished all of that work in ten months’ time.

Owens: Who told you that you were doing well, that you were ahead in your work?

Schmidt: Stephen Benka and Randolph Nanna....

Owens: Was this recent?

Schmidt: It was within the current review period, which goes from September 1999 to September 2000.... So they can’t claim that I didn’t do what they asked me to do. In fact, they’re not saying that I didn’t do what they asked me to do, are they?

Owens: No, they’re not.

*Follow-up call by Jeff Schmidt to examiner Tasha Owens, 20 June 2000, around 10 am*

Jeff Schmidt: You say they [AIP] didn't submit anything in writing?

Tasha Owens: No, I spoke to them, and they gave me the same information that you gave me. So I'll be making a decision and mailing it out to you.

Schmidt: Can you send me a copy of what they said?

Owens: I can send you a copy of the decision, but I can't send you a copy of the information that they gave me.

Schmidt: Can you tell me what they said?

Owens: Basically they're saying the same thing, the same information you gave me — that they saw in your book a statement that the book had been done on company time. And they're saying that that alone.

Also, [they cited] the fact that you had asked for reduced hours. But they didn't specify why you needed that time. And they did grant you reduced hours. So, you know, it's really not telling me that the reason you wanted [reduced hours] was to finish your book. They just said that you did ask for reduced hours. This was another reason why they felt that you were doing it on company time — because you asked for reduced hours. You didn't say what it was for; you just asked for reduced hours. And they granted you the request, so. That's basically the information that they gave me. And they could not say what hours you spent doing the book. They don't know. So that's the information I have. I have enough information to make my decision.

Schmidt: I noticed that you didn't call me this morning during the appointed time.

Owens: That's the reason why I didn't call you — because that was the information they gave me, and there was nothing to rebut.

Schmidt: What is the timing of the decision?

Owens: The decision will be made this week. And you'll receive it in the next couple of days.